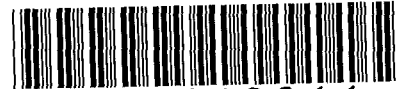


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BEFORE THE ARIZONA CORPORATION CO

COMMISSIONERS

Arizona Corporation Commission

RECEIVED

DOUG LITTLE - CHAIRMAN

BOB STUMP

BOB BURNS

TOM FORESE

ANDY TOBIN

DOCKETED

2016 APR 27 P 1:48

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

IN THE MATTER OF THE COMMISSION ON
ITS OWN MOTION INVESTIGATING THE
FAILURE OF NUMEROUS UTILITIES TO
FILE ANNUAL REPORTS FOR CALENDAR
YEAR 2013

DOCKET NO. C-00000A-15-0118

**STAFF'S CLARIFYING COMMENTS
TO RECOMMENDED OPINION AND
ORDER**

On April 18, 2016, a Recommended Opinion and Order ("ROO") was filed in this docket. Arizona Corporation Commission ("Commission") Utilities Division Staff ("Staff") has reviewed the ROO and substantially supports it. However, Staff has noted a need to clarify the ROO as it pertains to Beaver Valley Water Company ("BVWC" or "Company").

Due to inquiries in an unrelated matter, Staff has had reason to further investigate the Company. During the course of this investigation, Staff discovered new information related to the status of the Certificate of Convenience and Necessity ("CC&N") granted to BVWC.

On January 20, 2016, Staff testified at the hearing in this docket that BVWC's CC&N had been revoked pursuant to a Commission Complaint and Order to Show Cause ("OSC") for failure to file its 2008 Utilities Division Annual Report (Docket No. C-00000A-10-0393). Staff further testified that the Commission ordered that the Company be penalized in the amount of \$100.00 and entered Exhibit S-1 into the record which supported this testimony.

On January 21, 2016, Staff filed a Notice of Late-Filed Exhibit pursuant to a request from the Administrative Law Judge which identified Commission decisions that previously revoked CC&N's granted to specific respondents named in Staff's current OSC. This Late-Filed-Exhibit inadvertently referenced incorrect decision numbers for the Commission's 2003 and 2008 OSCs in which BVWC was a named respondent. The correct decision numbers are:

- 2003 Annual Report: Decision No. 69179 (December 5, 2006)
- 2008 Annual Report: Decision No. 72239 (April 7, 2011)

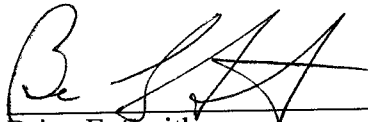
1 In addition, it has recently come to Staff's attention that on June 1, 2011, a compliance
2 memorandum was filed in Docket No. C-00000A-10-0393 which relates to the 2008 Annual Report
3 OSC. This memorandum reported that BVWC had filed its 2008 Annual Report and recommended
4 that the Company be dismissed from the 2008 OSC.

5 Decision No. 72239 ordered that "if a Remaining Respondent filed its 2008 Annual Report
6 with Staff, within 60 days after the effective date of this Decision,...both the penalty imposed and the
7 CC&N revocation made therein shall be rendered null and void, without further Order of the
8 Commission." Accordingly, pursuant to the referenced memorandum the Company complied with
9 Decision No. 72239 and therefore retained its CC&N and was relieved of the penalty imposed
10 thereby.

11 Further, on April 14, 2016, BVWC filed its 2013 and 2014 Utilities Division Annual Reports
12 and, therefore, is in compliance with the instant complaint.

13 For the convenience and consideration of the Commission and the Hearing Division, Staff has
14 attached Exhibit A which includes suggested language in substitution for what is expressed in the
15 ROO on this point.

16 RESPECTFULLY SUBMITTED this 27th day of April 2016.

17
18 
19 Brian E. Smith
20 Attorney, Legal Division
21 Arizona Corporation Commission
22 1200 West Washington Street
23 Phoenix, Arizona 85007
24 (602) 542-3402

25 Original and thirteen (13) copies
26 Of the foregoing filed this
27 27th day of April, 2016, with:

28 Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

1 Copy of the foregoing mailed
2 this 27th day of April, 2016, to:

3 American Cyber Corporation
4 dba Discount Plus
135 North Church Street, Suite 4
Kalamazoo, Michigan 49007

5 Americom Technologies, Inc.
6 dba Network Utilization Services
Post Office Box 990-163
7 Boston, Massachusetts 02199

8 Bachmann Springs Utility Company
Post Office Box 9
9 Tombstone, Arizona 85638

10 Baldwin County Internet/DSSI Service, L.L.C.
1240 Commerce Drive, Suite A
11 Gulf Shores, Alabama 36542

12 Beaver Valley Water Company, Inc.
Post Office Box 421
13 Payson, Arizona 85547

14 Bellemont Water Co.
Klaudia Ness
Post Office Box 31176
15 Flagstaff, Arizona 86003

16 Candace Adair dba Adair Communications
4218 West Flower Street
17 Phoenix, Arizona 85019-4135

18 Charles Bellows dba J B Payphones
4630 First North Avenue
19 Post Office Box 573
20 Joseph City, Arizona 86032

21 Crown King Water Company, Inc.
4918 West Park View Lane
22 Glendale, Arizona 85310

23 CVC CLEC, LLC
5909 NW Expressway, Suite 101
24 Oklahoma City, Oklahoma 73132

25 EMC Telecom Corporation
2533 North Carson Street, Suite 125
26 Carson, Nevada 89706

27 Go Solo Technologies, Inc.
5410 Mariner Street, Suite 175
28 Tampa, Florida 33609

Inmate Communications Corporation
1640 South Sepulveda Boulevard, Suite 207
Los Angeles, California 90025

LDC Enterprises, Inc. dba Full Serv Gas
2100 West Acoma
Lake Havasu City, Arizona 86403

LDC Telecommunications, Inc.
2451 McMullen Booth Road, Suite 200
Clearwater, Florida 33759

Legacy Long Distance International, Inc.
c/o Rueben Quinones Castro
10833 Valley View Street, Suite 150
Cypress, California 90630

Morristown Water Company
c/o Jim Konin, Acting President
Post Office Box 156
Morristown, Arizona 85342

OLS, Inc.
217 Roswell St., Suite 100
Alpharetta, Georgia 30069

Pacific Communications, LLC
5005 South Ash Avenue, Suite 15
Tempe, Arizona 85282

Salty Dawg, Inc. dba 5 & Diner
4520 North Stone Avenue
Tucson, Arizona 85705

SNIP Link, LLC
c/o Netcarrier
100-A TwingBridge Drive
Pennsauken, New Jersey 08110

Strawberry Water Company
HC 1 Box 817
Pine, Arizona 85544-9719

T.N.C., Inc.
5408 North 99th Street, Suite C
Omaha, Nebraska 68134

TCAST Communications, Inc.
24251 Town Center Drive, 2nd Floor
Valencia, California 91355

- 1 Teledata Solutions, Inc.
1767 Route 22 West
- 2 Union New Jersey 07083
- 3 Teletrust, Inc.
419 South Walnut
- 4 Sherman, Texas 75090
- 5 Tubac Water Company, Inc.
c/o John Crowley
- 6 1444 Wazee Street, Suite 350
Denver, Colorado 80202
- 7 United American Technology, Inc.
1427 Fretz Drive
- 8 Edmond, Oklahoma 73003
- 9 Uni-Tel Communications Group, Inc.
Post Office Box 1000
- 10 Naperville, Illinois 60563
- 11 William P. Farr dba Salome Water Company
Post Office Box 550
- 12 Salome, Arizona 85348
- 13 Willow Lakes Property Owners Assoc., Inc.
Post Office Box 875
- 14 Benson, Arizona 85602
- 15 Yak America, Inc.
Post Office Box 414629
- 16 Miami Beach, Florida 33141
- 17

18 Kaupo Christensen

- 19
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- 28

EXHIBIT A

At page 10, lines 20 – 22:

DELETE

“Because Beaver Valley Water Company, Inc. failed to file its 2008 Annual Report, we find that it is reasonable and appropriate to assess Beaver Valley Water Company, Inc. a \$200 penalty for its failure to file its 2013 Annual Report.”

At page 13, Line 11:

INSERT after “that”

“Beaver Valley Water Company,”

At page 14, line 13 ½

DELETE

“W-02015A Beaver Valley Water Company \$200”